

Notice of Allowability

Application No.

10/650,226

Examiner

Brian P. Mruk

Applicant(s)

MARTIN ET AL.

Art Unit

1751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 15 September 2005.
2. ☒ The allowed claim(s) is/are 1,3,4,9-12,17 and 18.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 9/15/05
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Brian P. Mruk
Brian P. Mruk
Primary Examiner
Tech Center 1700

REASONS FOR ALLOWANCE

1. The following is an examiner's statement of reasons for allowance:

Shana'a et al, U.S. Patent No. 6,737,394, discloses an isotropic cleansing composition for cleaning the human body (see abstract and col. 1, lines 7-10) comprising surfactants, such as anionic and amphoteric surfactants (see col. 2, lines 7-10) and a thickening agent, such as hydrophobically modified, crosslinked polyacrylates (see col. 9, line 44-col. 10, line 21). It is further taught by Shana'a et al that the composition optionally contains a cosurfactant, such as a betaine, that is present in amounts of 1-8% by weight (see col. 5, lines 19-21 and Table 2, Examples I-III), and that the composition contains a nonionic surfactant (see col. 8, lines 50-52). However, patentee differs from applicant in that Shana'a et al does not teach or suggest in general a cleaning composition that contains the specific hydrophobically modified, crosslinked, anionic acrylic copolymer, and less than about 0.5% by weight of a nonionic surfactant, as required by applicant in the instant invention. Furthermore, applicant has provided a showing of unexpected results for the specific hydrophobically modified, crosslinked, anionic acrylic copolymer required in the instant invention versus the thickening polymers disclosed in Shana'a et al, in that the hydrophobically modified, crosslinked, anionic acrylic copolymer required in the instant claims exhibit unexpectedly low irritation properties in comparison to the thickening polymers disclosed by Shana'a et al (see Tables 7 and 8 in the instant specification).

Accordingly, the claims viewed as a whole would not have been obvious to one of ordinary skill in the art at the time of the invention after viewing the prior art of record.

Art Unit: 1751

The examiner further notes that the provisional double patenting rejection of the instant claims over copending Application nos. 10/650,398 and 10/650,573 have been withdrawn in accordance with MPEP sections 804(I)(B) and 1490.

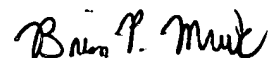
2. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Mruk whose telephone number is (571) 272-1321. The examiner can normally be reached on Monday-Thursday from 7:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta, can be reached on (571) 272-1316. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

BPM

Brian Mruk
September 26, 2005


Brian P. Mruk
Primary Examiner
Tech Center 1700